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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,467	11/03/2003	Emmanuel Desurvire	Q78045	1832
23373 7590 04/02/2009 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
EXAMINER				
WASEL, MOHAMED A				
ART UNIT		PAPER NUMBER		
2454				
MAIL DATE		DELIVERY MODE		
04/02/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/698,467

**Applicant(s)**

DESURVIRE, EMMANUEL

**Examiner**

MOHAMED WASEL

**Art Unit**

2454

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date 5/20/04
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

This action is responsive to application filed on May 20, 2004. Claims 1-40 are pending and presented for examination.

### Abstract

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. **The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.**

**The language should be clear and concise** and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### Specification

#### Content of Specification

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) The Names Of The Parties To A Joint Research Agreement: See 37 CFR 1.71(g).
- (e) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.
- (f) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
  - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S.

patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."

- (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (g) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (h) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (i) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.
- (j) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).
- (k) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).
- (l) Sequence Listing: See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

### Drawings

The drawings are objected to under 37 CFR 1.83(a) because they fail to show labeling as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### Claim Objections

Claims 2-37 are objected to because of the following informalities: "**An installation** according to...." needs to be changed to "**The messaging data management** according to....". Appropriate corrections are required where applicable.

Claim 38 appears to be an independent claim written in dependent form. Appropriate correction is required.

Claims 39 and 40 are objected to because of the following informalities: "**A management device** according to...." needs to be changed to "**The management device** according to....". Appropriate corrections are required where applicable.

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1- 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Bansal et al, (Bansal)

EP 1073209 A2.

1. As per claim 1, Bansal teaches a messaging data management installation (**Fig. 1, Paragraph [0008]**), characterised in that it comprises messaging means (3, 5) (**Fig. 1, element 130**) able to receive messaging data in correspondence with user identifiers, at least one messaging data broadcast means (17-20), at least one device (10) (**Fig. 1, element 100, Paragraph [0009]**) capable of delivering a primary identifier representing a user identifier (**Paragraph [0003]**), detection means (9-j) (**Fig. 1, element 110, Paragraph [0011]**) arranged to detect primary identifiers delivered by the said device (10) and to transmit them (**Paragraph [0011]**), and management means (1, 8) (**Paragraph [0013]**) capable, whenever they receive a primary identifier transmitted by the said detection means (9-j), of determining the associated user identifier, and then seeking amongst the messaging data received by the said messaging means (3, 5) (**Paragraph [0006]**) those which are associated with the user identifier determined and, when such data are present, ordering their broadcast by at least one of the broadcast means (17-20) (**Paragraph [0005], [0013]**).
2. As per claim 2, Bansal teaches an installation, characterised in that the said detection means (9-j) comprise a multiplicity of sensors, located at chosen points in zones in which users equipped with a device (10) can move about, coupled to the said management means (1, 8), and arranged to interact with each device (10) in order to obtain the associated primary identifier (**Fig. 1, Paragraph [0011]**).
3. As per claim 3, Bansal teaches an installation, characterised in that it comprises a multiplicity of broadcast means (17-20) each associated with one of the said zones (**Paragraph [0013]**).

4. As per claim 4, Bansal teaches an installation characterised in that each sensor (9-j) is associated with a secondary identifier and capable of transmitting to the management means (1, 8) (**Fig. 1, Paragraph [0013]**) the primary identifier detected and its own secondary identifier, in that each broadcast means (17-20) is associated with a tertiary identifier associated with at least one secondary identifier, in that it comprises a memory (15) in which the secondary identifiers in correspondence with each tertiary identifier are stored, and in that the said management means (1, 8) are arranged, whenever they receive primary and secondary identifiers, so as to extract from the said memory (15) (**Paragraph [0016]**) the tertiary identifier associated with the secondary identifier received, so that the messaging data associated with the user identifier associated with the primary identifier received are broadcast by the broadcast means (17-20) associated with the tertiary identifier extracted from the memory (15) (**Paragraph [0017]**).
5. As per claim 5, Bansal teaches an installation characterised in that at least some of the said broadcast means are display means (17-19) (**Paragraph [0009]**).
6. As per claim 6, Bansal teaches an installation according to Claim 5, characterised in that at least some of the display means are monitors (17) (**Paragraph [0009]**).
7. As per claim 7, Bansal teaches an installation characterised in that at least one of the said monitors is a communications terminal monitor (2) connected to a telephony network (**Paragraph [0022]**).
8. As per claim 8, Bansal teaches an installation characterised in that at least some of the said display means are image data projectors (18) (**Paragraph [0009]**).
9. As per claim 9, Bansal teaches an installation characterised in that at least some of the said broadcast means are acoustic broadcast means (20) (**Paragraph [0013]**).
10. As per claim 10, Bansal teaches an installation characterised in that the said messaging means (3, 5) comprise first electronic messaging means (3) and second telephonic messaging means (5) (**Paragraph [0009]**).
11. As per claim 11, Bansal teaches an installation according to Claim 10, characterised in that the said first electronic messaging means (3) are at least partially located in a communications terminal (2)

which can be connected to an electronic messaging server via a first communications network (Paragraph [0016]).

12. As per claim 12, Bansal teaches an installation characterised in that the said second telephonic messaging means (5) are at least partially located in a telephone (4) which can be connected to a second communications network (Paragraph [0023]).

13. As per claim 13, Bansal teaches an installation characterised in that the said first and second communications networks are identical (Paragraph [0022]).

14. As per claim 14, Bansal teaches an installation characterised in that each communications network is chosen from a group comprising public networks of the PSTN, PLMN, i-Mode and Internet (IP) type, and the private networks of the PABX type and private communication gateways (Paragraph [0026]).

15. As per claim 15, Bansal teaches an installation characterised in that it comprises transmission means (B) coupled at least to the said management means (1, 8), and to the said broadcast means (17-20) and to the said detection means (9-j) (Paragraph [0022]).

16. As per claim 16, Bansal teaches an installation characterised in that the said transmission means (B) are chosen from a group comprising means of transmission by wave and means of transmission by cable (Paragraph [0026]).

17. As per claim 17, Bansal teaches an installation characterised in that the said means of transmission by cable comprise at least data exchange buses (B) (Paragraph [0026]).

18. As per claim 18, Bansal teaches an installation characterised in that the said means of transmission by wave are infrared transceivers (Paragraph [0026]).

19. As per claim 19, Bansal teaches an installation characterised in that each detection means (9-j) is arranged so as firstly to effect a presence detection in at least part of the zone in which it is located and secondly to send signals to the said devices (10) in the event of presence detection (Paragraph [0021]).

20. As per claim 20, Bansal teaches an installation characterised in that it comprises a multiplicity of devices (10) associated with different primary identifiers (Paragraph [0009]).

21. As per claim 21, Bansal teaches an installation characterised in that each device (10) is of the passive type (**Paragraph [0009]**).
22. As per claim 22, Bansal teaches an installation characterised in that each device (10) is arranged so as to transmit its primary identifier by waves (**Paragraph [0003]**).
23. As per claim 23, Bansal teaches an installation characterised in that the said transmission is spontaneous (**Paragraph [0028]**).
24. As per claim 24, Bansal teaches an installation characterised in that the said transmission is carried out in response to signals transmitted by waves by the said detection means (9-j) (**Paragraph [0021]**).
25. As per claim 25, Bansal teaches an installation characterised in that each device (10) comprises a component (14) able to activate or deactivate its functioning in the case of actuation by a user (**Paragraph [0004]**).
26. As per claim 26, Bansal teaches an installation characterised in that it comprises first conversion means able to convert messaging data of the text type into messaging data of the audible type (**Paragraph [0006]**).
27. As per claim 27, Bansal teaches an installation characterised in that it comprises second conversion means able to convert messaging data of the audible type into messaging data of the text type (**Paragraph [0002]**).
28. As per claim 28, Bansal teaches an installation characterised in that it comprises acoustic capture means coupled to the said management means (1, 8) and arranged so as to pick up speech emitted by a user and to convert it into digital data, and in that the said management means (1, 8) are arranged, on reception of conversion digital data, to generate, intended for the said messaging means (3, 5), commands representing messaging operations to be performed (**Paragraph [0006]**).
29. As per claim 29, Bansal teaches an installation characterised in that the said operations are chosen from a group comprising at least the response to a chosen message, the saving or deletion of a chosen message, the selection of a chosen message from a list of messages previously displayed in the form of icons by means of a display means or broadcast in voice form by means of acoustic broadcast

means, with a view to the broadcast of the data by the said display means or by the said acoustic broadcast means, the enlargement of the text data or images of a chosen message, the rebroadcasting of audible data of a chosen message, and the opening of a file attached to a chosen message (**Paragraph [0009], [0016]**).

30. As per claim 30, Bansal teaches an installation characterised in that the said management means (8) are of the configurable type (**Paragraph [0016]**).

31. As per claim 31, Bansal teaches an installation characterised in that the said configuration relates to the mode of interrogating the said messaging means (3, 5) (**Paragraph [0016]**).

32. As per claim 32, Bansal teaches an installation characterised in that the said interrogation mode is of the periodic type (**Paragraph [0019]**).

33. As per claim 33, Bansal teaches an installation characterised in that the said configuration relates to a first type of messaging data to be broadcast (**Paragraph [0020]**).

34. As per claim 34, Bansal teaches an installation characterised in that the said first type represents a first priority level which depends on the address of the sender of the messaging data received (**Paragraph [0028]**).

35. As per claim 35, Bansal teaches an installation characterised in that the said configuration relates to a second type of messaging data to be broadcast (**Paragraph [0026]**).

36. As per claim 36, Bansal teaches an installation characterised in that the said type represents a second priority level which depends on the user identifier associated with a primary identifier received (**Paragraph [0020]**).

37. As per claim 37, Bansal teaches an installation characterised in that the said management means are configurable via a terminal user interface (**Paragraph [0022]**).

38. As per claim 38, Bansal teaches a messaging data management device (1), characterised in that it comprises management means (8) able to be used in an installation (**Paragraph [0016]**).

39. As per claim 39, Bansal teaches a management device characterised in that it comprises management means (8) (**Paragraph [0016]**) and conversion means able to be used in an installation (**Paragraph [0006]**).

40. As per claim 40, Bansal teaches a management device characterised in that it comprises second conversion means able to be used in installation (**Paragraph [0006]**).

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to form PTO-892 (Notice of Reference Cited) for a list of relevant prior art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohamed Wasel whose telephone number is (571) 272-2669. The examiner can normally be reached on Mon-Fri (8:00 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)? If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mohamed Wasel/  
Patent Examiner, Art Unit 2454  
March 26, 2009

/Nathan J. Flynn/  
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